REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1 and 13 have been amended in the manner suggested in the Official action to overcome objections thereto.

The presently claimed invention relates to the provision of grease storage regions in a shim member of a disk brake, the grease storage regions being configured such that the grease substantially entirely covers openings of the storage regions and is retained within the storage regions by the surface tension of the grease at least when the temperature of the grease is within a range of 20 to 200°C.

All claims have been rejected as being obvious over Matsumoto et al. taken alone or in combination with another reference.

Firstly, it is emphasized that Matsumoto et al. provides no disclosure whatsoever about the size of the grease-storage openings 11d or the manner in which grease is retained therein. In the Official action the position was taken that Matsumoto et al. must employ surface tension to retain grease in the openings 11d, because if grease were to seep out of the openings, Matsumoto's device would be inoperable.

However, that statement assumes that there is no other way to retain grease in the openings, which is an incorrect assumption. As pointed out in the previous response, Japanese Laid-Open Utility Model Publication No. 3-72224 (JP '224 – copy submitted with an Information Disclosure Statement filed on June 10, 2004) discloses the use of a seal 42 in the space between the brake pad and the shim member for retaining the grease.

Another possible way of retaining the grease would be to coat the shim with a resilient material, and such a coating is actually disclosed by Matsumoto in the last paragraph of column 3, although described as being for a different purpose.

If one skilled in the art were to follow the disclosure of Matsumoto et al. by providing grease-storage openings in a shim and observes that grease is leaking from the openings, there is no reason to assume that the artisan would find it obvious to utilize the presently claimed solution of relying upon surface tension, because as pointed out above, other ways are known for achieving that same result, and there is not even the remotest suggestion by Matsumoto et al. of utilizing surface tension. It is submitted that in the absence of some motivation for using the presently claimed solution, the artisan would simply employ a known solution.

Accordingly, it is submitted that the present claims distinguish patentably over the applied prior art and that the application is in condition for allowance.

Respectfully submitted,

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